

REMARKS

Applicant thanks the Examiner for the courtesies extended to Applicant's representative during the telephonic interview of March 13, 2008. During the interview, the rejections contained in the final Office Action mailed on January 8, 2008, were discussed. The substance of the interview has been incorporated into this response.

In the final Office Action,¹ the Examiner rejected claims 1-3, 5-8, 11-14, 16-19, and 24 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. 7,062,502 to Kesler et al. ("*Kesler*"); rejected claims 4 and 15 under 35 U.S.C. § 103(a) as unpatentable over *Kesler* in view of U.S. Patent No. 6,732,124 to Koseki et al. ("*Koseki*"); and rejected claims 9, 10, 20, and 21 under 35 U.S.C. § 103(a) as unpatentable over *Kesler* in view of U.S. Patent Publication No. 2003/0093790 to Logan et al. ("*Logan*").

By this Amendment, Applicant amends claims 1, 2, 5-8, 12, and 16-19, cancels claims 11 and 24 without prejudice or disclaimer, and adds new claims 25-28.

I. The Rejection of Claims 1-3, 5-8, 12-14, and 16-19 under 35 U.S.C. § 102(e)

To properly anticipate Applicant's claimed invention under 35 U.S.C. § 102(e), each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the...claim." See

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

M.P.E.P. § 2131 (8th Ed., Aug. 2001), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, “[t]he elements must be arranged as required by the claim.” M.P.E.P. § 2131. Applicant traverses the rejection of claims 1-3, 5-8, 12-14, and 16-19 under 35 U.S.C. § 102(e) for the following reasons.

Claim 1 recites, for example, a computer-implemented method for dynamic data type enrichment comprising “loading an application program into memory, the application program comprising a variable that is defined as an instance of both a basic data type and a specific data type” and “accessing metadata at runtime to map the variable to a definition of the specific data type” (emphasis added).

Kesler discloses software, apparatus, and method for automatically generating a user interface for a database (*Kesler*, abstract). *Kesler* further discloses extracting schema information from the database and automatically generating metadata such as “entity fields” which represent fields within database tables (*Kesler*, abstract and col. 10, line 30). *Kesler* also discloses dynamically constructing menus to allow for data entry and navigation (*Kesler*, col. 13, lines 46-47). The menus can include a MaskedTextBox that is used to ensure proper formatting of data such as a social security number (*Kesler*, FIG. 51 and col. 35, line 59 - col. 36, line 5).

In the interview, the Examiner indicated that *Kesler* contains an inherent disclosure of a basic data type that would be used in the menu interface, and that this basic data type is “mapped” to the metadata description of the database in order to, for

example, process the basic data type as a social security number. Applicant disagreed that *Kesler's* implementation necessarily includes a basic data type that is mapped to the metadata, and maintain that *Kesler* contains no such disclosure.

Moreover, even assuming the Examiner is correct, claim 1 recites a variable that is defined as an instance of "both a basic data type and a specific data type" (emphasis added). Whatever internal implementation *Kesler* uses to process data in the menus, *Kesler* in no way suggests that the data is defined in the application program for the menus as both a basic and a specific data type. Even assuming *Kesler* is using variables of basic data types that are mapped to the metadata, *Kesler* does not disclose defining the variables as both a basic and a specific data type. In short, *Kesler* simply fails to disclose any sort of mapping from a variable to metadata that is accomplished by data typing the variable within the application program.

For at least the reasons discussed above, *Kesler* fails to teach or suggest "loading an application program into memory, the application program comprising a variable that is defined as an instance of both a basic data type and a specific data type" and "accessing metadata at runtime to map the variable to a definition of the specific data type" (emphasis added) as recited by independent claim 1.

Independent claim 12, although of different scope than claim 1, recites subject matter similar to that discussed above with respect to claim 1, and not taught or suggested by *Kesler*. Claims 2, 3, and 5-8 depend from claim 1, and claims 13, 14, and

16-19 depend from claim 12, and are allowable at least due to their dependence from allowable base claims.

II. The Rejections of Claims 4 and 15 under 35 U.S.C. § 103(a)

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See *id.* “A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention.” M.P.E.P. § 2145 (emphasis in original). Furthermore, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, “[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original).

“[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1996) . . . The factual inquires . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art.”

M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III). In this application, a *prima facie* case of obviousness has not been established because the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Accordingly, the Office Action has failed to clearly articulate a reason why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art.

Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 4 and 15, because a *prima facie* case of obviousness has not been established with respect to these claims.

Claims 4 depends from claim 1, and claim 15 depends from claim 12. As already discussed, *Kesler* fails to teach or suggest “loading an application program into memory, the application program comprising a variable that is defined as an instance of both a basic data type and a specific data type” and “accessing metadata at runtime to map the variable to a definition of the specific data type” (emphasis added).

Koseki discloses a data processing system that stores log records to repair a file system (*Koseki*, abstract). *Koseki* also discloses that the system has a metadata volume and a metadata cache for holding metadata objects (*Koseki*, col. 9, lines 48-58). However, *Koseki* fails to disclose a variable defined as an instance of both a basic and a specific data type. Therefore, *Koseki* fails to teach or suggest the claimed “loading an

application program into memory, the application program comprising a variable that is defined as an instance of both a basic data type and a specific data type" and "accessing metadata at runtime to map the variable to a definition of the specific data type" (emphasis added) as recited in independent claim 1.

As explained above, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Accordingly, no reason has been clearly articulated as to why claims would have been obvious to one of ordinary skill in view of *Kesler* and *Koseki*. Therefore, a *prima facie* case of obviousness has not been established for claims 4 and 15 for at least this reason.

III. The Rejection of Claims 9, 10, 20, and 21 under 35 U.S.C. § 103(a)

Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 9, 10, 20, and 21, because a *prima facie* case of obviousness has not been established with respect to these claims.

Claim 9 and 10 depend from claim 1, and claims 20 and 21 depend from claim 12. As already discussed, *Kesler* fails to teach or suggest "loading an application program into memory, the application program comprising a variable that is defined as an instance of both a basic data type and a specific data type" and "accessing metadata at runtime to map the variable to a definition of the specific data type" (emphasis added)

Logan discloses a system for utilizing metadata to enhance user's enjoyment of broadcast programming content (*Logan*, abstract). *Logan* also discloses storing

metadata in public or private databases (*Logan*, ¶ 308). However, *Logan* fails to disclose a variable defined as an instance of both a basic and a specific data type. Therefore, *Logan* fails to teach or suggest the claimed “loading an application program into memory, the application program comprising a variable that is defined as an instance of both a basic data type and a specific data type” and “accessing metadata at runtime to map the variable to a definition of the specific data type” (emphasis added) as recited in independent claim 1.

As explained above, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Accordingly, no reason has been clearly articulated as to why claims 9, 10, 20, and 21 would have been obvious to one of ordinary skill in view of *Kesler* and *Logan*. Therefore, a *prima facie* case of obviousness has not been established for claims 9, 10, 20, and 21 for at least this reason.

IV. New Claims 25-28

New independent claims 26 and 27, although of different scope than independent claim 1 and from each other, are allowable over the cited art for at least the same reasons discussed above with respect to claim 1. New claim 25 depends from claim 1, and new claim 28 depends from claim 27, and are allowable at least due to their dependency from allowable base claims.

V. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

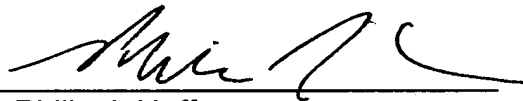
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: April 3, 2008

By: _____



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